

**MANDATE**

04-12122

USDC/MA

Tauro, J

**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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No. 05-2260  
DC No. 04-cv-12122

FREDRICK BUSH,  
Petitioner, Appellant,

v.

JOSEPH D. McDONALD,  
Respondent, Appellee.

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JUDGMENT

ENTERED: August 18, 2006  
Pursuant to 1<sup>st</sup> Cir. R. 27(d)

On June 13, 2006, and August 3, 2006, this court issued orders directing the appellant to either pay the filing fees of \$255.00 to the district court, or to file a motion and financial affidavit for in forma pauperis status in the court of appeals and that failure to take any action could result in this appeal being dismissed in accordance with Local Rule 3(b).

A review of the district court docket does not reflect the payment of the filing fees nor did the appellant respond to this court in writing regarding the outstanding fee issue. This appeal, therefore, is dismissed for lack of prosecution in accordance with Local Rule 3(b).

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: \_\_\_\_\_  
Chief Deputy Clerk

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

*[initials]*

**Deputy Clerk**

**Date:** 9/8/06

[cc: Messrs. Bush, Ravitz]